

GAO Report Finds EPA Needs to Improve Accuracy and Transparency of Reporting Measures for Environmental Enforcement Programs

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Contact: Jodi Seth or Brin Frazier, 202-225-5735

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Washington, DC

- A Government Accountability Office (GAO) report released today found that there are shortcomings in the measures used by the Environmental Protection Agency (EPA) to report the effectiveness of its civil and criminal enforcement programs to Congress and the public.

The

report was requested by Reps. John D. Dingell (D-MI), Chairman of the Committee on Energy and Commerce, and Bart Stupak (D-MI), Chairman of its Subcommittee on Oversight and Investigations. The lawmakers asked GAO to analyze how EPA calculates and reports civil and criminal penalties, the value of injunctive relief and pollution reduction. GAO was also asked to look at the factors that influence EPA's process in achieving enforcement outcomes.

"EPA has tried to

cover up the decline in enforcement by coming up with exaggerated estimates of pollution reduction and environmental savings, but under this Administration, there have been fewer cases brought, lower penalties assessed, and a decrease in fines collected," said Dingell.

"The bottom line is that environmental enforcement has significantly declined since the Bush Administration took office. Somehow, we are not surprised."

"Environmental enforcement has simply not

been a priority for the Bush EPA," said Stupak. "While this report shows how environmental enforcement has declined, it doesn't expose the real story behind the numbers: cases not brought, polluters not pursued, and fines not collected."

The EPA enforcement

office administers civil and criminal enforcement programs to carry out its responsibility of enforcing environmental laws such as the Clean Air Act and the Clean Water Act designed to protect human health and the environment. Through these programs, legal actions may be taken to bring polluters into compliance with the federal law including requiring them to pay penalties, take corrective action or face imprisonment.

EPA uses a variety of measures to assess the overall impact of its enforcement programs including assessed penalties, the value of injunctive relief, and the amount of pollution reduced, treated, or eliminated as a result of enforcement actions. In reviewing EPA's performance measures, GAO identified three shortcomings in how the agency calculates and reports penalty information that may inhibit the accuracy and transparency of EPA's reporting to Congress and the public. Specifically, GAO found that EPA is:

- Overstating the impact of the enforcement programs by reporting penalties assessed against violators rather than actual payments received by the U.S. Treasury.
- Reducing the precision of trend analyses by reporting nominal rather than inflation-adjusted penalties, thereby understating past accomplishments.
- Understating the influence of its enforcement programs by excluding the portion of penalties awarded to states in federal cases.
- GAO is recommending the EPA Administrator take the following six actions to improve the transparency and accuracy of its reports to Congress and the public:

When reporting the amount and nature of penalties stemming from enforcement actions, disclose (1) penalties in a manner that clearly indicates that they are assessed rather than collected penalties, (2) penalties collected as well as assessed by the federal government, (3) time series data that are adjusted for inflation, and (4) states' share of penalties in federal cases.

When reporting other major outcome measures of civil enforcement efforts, clearly disclose (1) that the monetary value of injunctive relief is based on estimates of future amounts that defendants expect to spend to

achieve outcomes, as agreed in consent decrees, and (2) that the pounds of pollution reduced represent the anticipated reduction for a 1-year period at the anticipated time of compliance.

For
a copy of today's GAO report entitled, "Environmental Enforcement: EPA Needs to Improve the Accuracy and Transparency of Measures Used to Report on Program Effectiveness," [click here](#) .

- 30 -